

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Private Sewage Disposal Licensing Act is
5 amended by changing Sections 3 and 8 as follows:

6 (225 ILCS 225/3) (from Ch. 111 1/2, par. 116.303)

7 Sec. 3. As used in this Act, unless the context otherwise
8 requires:

9 (1) "Domestic Sewage" means waste water derived
10 principally from dwellings, business or office buildings,
11 institutions, food service establishments, and similar
12 facilities.

13 (2) "Director" means Director of the Illinois Department of
14 Public Health.

15 (3) "Department" means the Illinois Department of Public
16 Health.

17 (4) "Human Wastes" means undigested food and by-products of
18 metabolism which are passed out of the human body.

19 (5) "Person" means any individual, group of individuals,
20 association, trust, partnership, corporation, person doing
21 business under an assumed name, the State of Illinois or any
22 Department thereof, or any other entity.

23 (6) "Population Equivalent" means an average waste loading

1 equivalent to that produced by one person which is defined as
2 100 gallons per day.

3 (7) "Private Sewage Disposal System" means any sewage
4 handling or treatment facility receiving domestic sewage from
5 less than 15 people or population equivalent and having a
6 ground surface discharge or any sewage handling or treatment
7 facility receiving domestic sewage and having no ground surface
8 discharge.

9 (8) "Private Sewage Disposal System Installation
10 Contractor" means any person constructing, installing,
11 repairing, modifying, or maintaining private sewage disposal
12 systems.

13 (9) "Property Owner" means the person in whose name legal
14 title to the real estate is recorded.

15 (10) "Waste" means either human waste or domestic sewage or
16 both.

17 (11) "Private Sewage Disposal System Pumping Contractor"
18 means any person who cleans or pumps waste from a private
19 sewage disposal system or hauls or disposes of wastes removed
20 therefrom.

21 (12) "Alternative private sewage disposal system" means
22 any system designed to address a unique circumstance where the
23 prescriptive requirements of the private sewage disposal code
24 does not apply, where the final treatment and discharge is free
25 flowing through native soil, and where (i) the projected
26 wastewater is likely to be atypical of residential or domestic

1 wastewater in that flow may exceed 1500 gallons per day; (ii)
2 the 5-day biochemical oxygen demand of the wastewater may
3 exceed 300 milligrams per liter; (iii) any portion of the
4 system is to be shared by 2 or more owners; or (iv) any portion
5 of the treated wastewater is proposed for recycling or reuse.

6 (Source: P.A. 84-670.)

7 (225 ILCS 225/8) (from Ch. 111 1/2, par. 116.308)

8 Sec. 8. In addition to promulgating and publishing the
9 private sewage disposal code, the Department has the following
10 powers and duties:

11 (1) Make such inspections as are necessary to determine
12 satisfactory compliance with this Act and the private sewage
13 disposal code.

14 (2) Cause investigations to be made when a violation of any
15 provisions of this Act or the private sewage disposal code is
16 reported to the Department.

17 (3) Subject to constitutional limitations, by its
18 representatives after identification, enter at reasonable
19 times upon private or public property for the purpose of
20 inspecting and investigating conditions relating to the
21 administration and enforcement of this Act and the private
22 sewage disposal code.

23 (4) Institute or cause to be instituted legal proceedings
24 in the circuit court by the State's Attorney of the county
25 where such non-compliance occurred or by the Attorney General

1 of the State of Illinois in cases of non-compliance with the
2 provisions of this Act and the private sewage disposal code.

3 (5) Authorize the trial or experimental use of new
4 innovative systems for private sewage disposal, upon such
5 conditions as the Department may set.

6 (6) Adopt minimum performance standards for private sewage
7 disposal system contractors.

8 (7) Issue an annual license to every applicant who complies
9 with the requirements of this Act and the private sewage
10 disposal code and who pays the required annual license fee.

11 (8) Collect an annual license fee in an amount determined
12 by the Department from each contractor and any examination and
13 reinstatement fees.

14 (9) Prescribe rules of procedure for hearings following
15 denial, suspension or revocation of licenses as provided in
16 this Act.

17 (10) Authorize the use of alternative private sewage
18 disposal systems that are designed by a professional engineer
19 licensed under the Professional Engineering Practice Act of
20 1989 or an environmental health practitioner licensed under the
21 Environmental Health Practitioner Licensing Act and accepted
22 by the Department on a case-by-case basis where the proposed
23 design reasonably addresses issues particular to the proposed
24 system, including without limitation flow volume projections,
25 wastewater composition and pretreatment, treatment and flow in
26 the subsurface environment, and system ownership and

1 maintenance responsibility.

2 (Source: P.A. 85-1261.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.